

#E1-736
RQ

Dr. Robert T. Fitzgerald
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Hondo, TX 78861
(830) 741-5040 p / (830) 426-2060 f

February 20, 2004

VIA FAX: 202/565-9000 and Regular Mail

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 34284
1925 K Street, NW
Washington, DC 20423-0001

received
3/18/04

Dear Ms. Ghosh:

Re:

**STB Finance Docket No. 34284
SOUTHWEST GULF RAILROAD COMPANY
CONSTRUCTION AND OPERATION—MEDINA COUNTY, TX**

**Dr. Robert T. Fitzgerald
Request to Consult in National Historic Preservation Act Process**

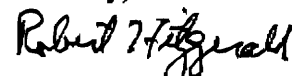
Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, which provides that a federal agency shall “take into account” the effect of its licensing decisions on properties “included in or eligible for inclusion in, the National Register [of Historic Places].” In order to carry out this broadly stated purpose, the Advisory Council on Historic Preservation (ACHP) has issued regulations implementing the NHPA, *see* 36 C.F.R. Part 800. Under the regulations, an agency has a general duty to “provide the public with information about an undertaking and its effects on historic properties and [to] seek public comment and input.” 36 C.F.R. § 800.2(d)(2).

The regulations, however, specify that certain individuals and organizations, known as “consulting parties,” are to be more formally involved in the agency’s NHPA review. In addition to those who are consulting parties as a matter of right, other interested individuals or organizations “may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or their concern with the undertaking’s effects on historic properties,” 36 C.F.R. § 800.2(c)(5), if they request participation in writing and the agency determines that they should be granted consulting party status, 36 C.F.R. § 800.3(f)(3).

[Alternative text: _____ is an organization serving the area of potentially affected by this proposal that contains . . . _____ and _____ and _____ are this organization’s representatives for consultation purposes]

I am a landowner whose land potentially contains historic and cultural sites eligible for inclusion in the National Register of Historic Places and affected by the actions in this proceeding. I am concerned as to this undertaking's effect on historic properties. I request to participate as a consulting party, as defined under the National Historic Preservation Act's regulations, in all phases of the review of the proposed rail line and its connected action, the quarry. Please notify me immediately of the times and locations of the consultations.

Sincerely,

A handwritten signature in black ink that reads "Robert T. Fitzgerald". The signature is written in a cursive style with a large, stylized "R" and "F".

Dr. Robert T. Fitzgerald